

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MICHAEL A. HAGAR

§

VS.

§

CIVIL ACTION NO. 1:22cv101

FEDERAL BUREAU OF INVESTIGATION §

MEMORANDUM OPINION AND ORDER

Plaintiff Michael A. Hagar, an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled lawsuit pursuant to the Freedom of Information Act. The magistrate judge recommended granting the defendant's motion for summary judgment. No objections were filed by the parties. Accordingly, the report and recommendation was adopted and the above-styled action was dismissed.

Plaintiff has filed a motion for extension of time to file objections to the report and recommendation [Dkt.38]. In his motion, plaintiff asserts he is currently in Administrative Detention and does not have access to his legal documents. This memorandum opinion and order considers such motion.

ANALYSIS

Plaintiff's motion was filed within 28 days from the date of the final judgment. Accordingly, the motion will be liberally construed and considered as a motion filed under Rule 59 of the Federal Rules of Civil Procedure.

FED. R. CIV. P. 59 provides in pertinent part the following:

**(a)(1) *Grounds for New Trial.*** The court may, on motion, grant a new trial on all or some of the issues - and to any party - as follows:

- (A) after a jury trial, for any of reason for which a new trial has heretofore been granted in an action at law in federal court; or
- (B) after a nonjury trial, for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court.

**(2) Further Action After a Nonjury Trial.** After a nonjury trial the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

**(b) Time to File a Motion for a New Trial.** A motion for a new trial must be filed no later than 28 days after the entry of judgment.

**(e) Motion to Alter or Amend Judgment.** A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.

After careful consideration, the Court has determined that the circumstances surrounding this case warrant relief from the Court's final judgment so plaintiff may have an opportunity to file his objections for consideration by the Court. The Court will provide plaintiff an additional twenty days from the date of this order in which to file his objections, if any.

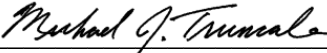
#### O R D E R

For the reasons set forth above, plaintiff's motion for relief from judgment should be granted. Accordingly, it is

ORDERED that plaintiff's motion for relief from judgment is GRANTED. It is therefore

ORDERED that plaintiff is GRANTED an extension of twenty days from the date of this order in which to file his objections, if any, to the report and recommendations of the magistrate judge.

SIGNED this 9th day of April, 2024.

  
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Michael J. Truncala  
United States District Judge